

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TOLL BROS., INC.,

Plaintiff,

v.

ESSEX INSURANCE COMPANY,

Defendant.

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CIVIL ACTION

NO. 07-1296

ORDER

AND NOW, this ____ day of June, 2013, upon consideration of Plaintiff's Motion for Partial Summary Judgment (Doc. 61), Defendant Essex Insurance Company's Response in Opposition thereto (Doc. 65), Defendant Essex Insurance Company's Motion for Summary Judgment (Doc. 62), and Plaintiff's Response in Opposition thereto (Doc. 66), **IT IS HEREBY ORDERED AND DECREED** that the parties' cross motions for summary judgment is resolved as follows:

1. Toll's Motion for Partial Summary Judgment is **GRANTED**; and
2. Essex's Motion for Summary Judgment is **DENIED** with respect to Toll's defense claim (contained in Count VII) and **GRANTED** with respect to Toll's remaining claims.

IT IS FURTHER ORDERED that a teleconference shall be held on **Wednesday, June 26, 2013 at 11:00 p.m.** to discuss Essex's obligation duty to defend Toll in the Ort/Iyer lawsuit.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.